

DECLARATION OF ROBERT F. KUSHNER, M.D.
PURSUANT TO 28 U.S.C. § 1746

I, Robert F. Kushner, hereby declare as follows:

1. I am a Doctor of Medicine, licensed to practice in Illinois. I am a Professor of Medicine at Northwestern University Feinberg School of Medicine, Clinical Director of the Northwestern Comprehensive Center on Obesity in Chicago, Illinois, and Medical Director of the Center for Lifestyle Medicine in Chicago, Illinois. I have personal knowledge of the matters contained in this declaration.

QUALIFICATIONS

2. As detailed in my *curriculum vitae*, a true and correct copy of which is attached to this declaration as **Kushner Attachment A**, I received my Doctor of Medicine degree from the University of Illinois in 1979, and trained as a resident in Internal Medicine at Northwestern Memorial Hospital in Chicago, Illinois. I then trained as a Fellow in Clinical Nutrition at the University of Chicago Hospitals and received a master's degree in Clinical Nutrition and Nutritional Biology from the University of Chicago in 1984.
3. My board certifications include the National Board of Medical Examiners, the American Board of Internal Medicine, and the American Board of Nutrition. I am a member of several professional societies, including the American Society for Parenteral and Enteral Nutrition, where I have served as the President, Vice President, and Treasurer, and the North American Association for the Study of Obesity, where I have served as the Chairman of the Clinical Committee and President.
4. I have authored or co-authored, and published, more than 190 scientific articles, reviews and letters, case reports, papers, book chapters, books, and abstracts, including: Kushner

RF, Pendarvis L, *Appetite Regulation, Obesity and Eating Disorders*, Curr Opin Gastroenterol 11: 179-85 (1995); Albrant DH, Fernstrom MH, Kushner RF, et al., *American Pharmaceutical Association Drug Treatment Protocols: Comprehensive Weight Management in Adults*, J Am Pharm Assoc 41(1):25-31 (2001); Kushner RF, Manzano H, *Obesity Pharmacology*, Curr Opin in Gastroenterol 18(2):213-220 (2002); and Kushner RF, *Anti-obesity drugs*, Expert Opin Pharmacotherapy 9(8):1339-1350 (2008). I also serve on the editorial board of several journals, including Obesity, Obesity Management, and The Journal Of The American Dietetic Association.

5. I am the recipient of several professional awards and honors, including the Dannon Institute Award for Excellence in Medical/Dental Nutrition Education from the American Society for Clinical Nutrition (2002), and the Distinguished Achievement Award from the Chicago Chapter of the American Society for Parenteral and Enteral Nutrition (1998).
6. Based upon my education, training and experience, as summarized above and as demonstrated in my attached *curriculum vitae*, I am a qualified expert in the fields of obesity, obesity-related health risks, and body weight management and reduction.

MATERIALS REVIEWED

7. The Federal Trade Commission (“FTC”) staff has provided me with the following materials, which I have reviewed in forming my opinion and conclusions herein:
 - a. A list containing the ingredients for formulations of the products “AcaiBurn,” “Muscle Charger,” “AcaiForce,” “Wu-Yi Burn,” and “PureCleanse.” A true and correct copy of this list is attached to this declaration as **Kushner Attachment B**;

- b. A copy of the product labels for the “Wu-Yi Burn,” “AcaiBurn,” and “PureCleanse” products. A true and correct copy of these product labels is attached to this declaration as **Kushner Attachment C**;
- c. A study by Mattes RD, Bormann L, *Effects of (-)-Hydroxycitric Acid on Appetitive Variables, Physiology & Behavior*, 71:87-94 (2000), a true and correct copy of which is attached this declaration as **Kushner Attachment D**;
- d. A study by Preuss, HD, *et al.*, *Efficacy of a Novel, Natural Extract of (-)-Hydroxycitric Acid (HCA-SX) and a Combination of HCA-SX, Niacin-Bound Chromium and Gymnema Sylvestre Extract in Weight Management in Human Volunteers: A Pilot Study*, Nutrition Research 24:45-58 (2004), a true and correct copy of which is attached to this declaration as **Kushner Attachment E**;
- e. A study by Berube-Parent, S, *et al.*, *Effects of Encapsulated Green Tea and Guarana Extracts Containing a Mixture of Epigallocatechin-3-Gallate and Caffeine on 24 h Energy Expenditure and Fat Oxidation in Men*, British Journal of Nutrition 94:432-36 (2005), a true and correct copy of which is attached to this declaration as **Kushner Attachment F**; and
- f. A study by Dulloo, A, *et al.*, *Efficacy of a Green Tea Extract Rich in Catechin Polyphenols and Caffeine in Increasing 24-h Energy Expenditure and Fat Oxidation in Humans*, American Journal of Clinical Nutrition 70:1040-05 (1999), a true and correct copy of which is attached to this declaration as **Kushner Attachment G**;

8. In forming my opinion and conclusions herein, I have also reviewed the relevant scientific literature and published and peer-reviewed studies regarding the efficacy and safety of the ingredients listed in **Kushner Attachment B** for weight loss.

SCOPE OF REVIEW

9. The FTC staff has asked me to provide my expert opinion regarding whether competent and reliable scientific evidence exists to support the claim that the ingredients that are used to formulate the "AcaiBurn," "Muscle Charger," "AcaiForce," "Wu-Yi Burn," and "PureCleanse" products are scientifically proven to cause rapid, substantial weight loss.
10. The FTC has also asked me to give my opinion on whether the studies attached to this declaration as **Kushner Attachments D - G** provide competent and reliable scientific evidence that substantiates the claim that the ingredients that are used to formulate the "AcaiBurn," "Muscle Charger," "AcaiForce," "Wu-Yi Burn," and "PureCleanse" products are scientifically proven to cause rapid, substantial weight loss.

SUMMARY OF FINDINGS

11. Based upon my professional experience and knowledge, and my review of the medical literature regarding weight loss and the ingredients used to formulate the "AcaiBurn," "Muscle Charger," "AcaiForce," "Wu-Yi Burn," and "PureCleanse" products, it is my opinion that none of the ingredients in these products, in any amount, whether individually or in any combination, will cause rapid, substantial weight loss. As discussed more fully below, none of the ingredients in these products are capable of causing the extreme levels of negative energy balance that would be necessary to produce such weight loss. Nor does any potential satiety or laxative effects of ingredients in these products cause substantial and rapid weight loss.

12. Further, several of the ingredients in these products – specifically hydroxycitric acid, *gymnema sylvestre* extract, and chromium polynicotinate – are unsafe and have been shown to cause severe toxicity, liver damage, and, in some cases death, in persons using them. In May 2009, the Food and Drug Administration (“FDA”) issued a warning that a weight loss product, HydroxyCut, which contained these three ingredients, could cause serious liver damage and death. HydroxyCut was soon recalled from the market and reintroduced without these ingredients. True and correct copies of the FDA’s announcements of the warning and the subsequent recall are attached to this declaration as **Kushner Attachment H.**

DISCUSSION OF FINDINGS

The Ingredients In “AcaiBurn,” “Muscle Charger,” “AcaiForce,” “Wu-Yi Burn,” And “PureCleanse” Products Will Not Cause Rapid, Substantial Weight Loss And There Is No Competent And Reliable Evidence To Show That They Will Do So

13. “AcaiBurn,” “Muscle Charger,” “AcaiForce,” and “Wu-Yi Burn” contain the following ingredients, in varying amounts: (1) HCA hydroxycitrate (hydrocitic acid); (2) green tea extract; (3) *gymnema sylvestre* extract; (4) acai berry; and (5) chromium picolinate/chromium polynicotinate. “PureCleanse” contains, in unknown amounts, the following ingredients: (1) HCA hydroxycitrate (hydrocitic acid); (2) *gymnema sylvestre* extract; (3) chromium picolinate/chromium polynicotinate; (4) psyllium husk powder; (5) slippery elm bark powder; (6) senna powder; (7) artichoke powder; (8) aloe vera powder; (9) ginger root powder; (10) fennel seed powder; (11) cascara sagrada powder; (12) guar gum; and (13) inulin. In my opinion, none of the ingredients in these products, taken individually or in combination, in any amount, would cause rapid, substantial weight loss.

14. Weight loss is a complex and difficult process. There are well-established general principles of weight control. The difference between energy intake and energy output, *i.e.*, energy balance, is the ultimate determinant of weight loss and weight change. In order to induce weight loss, a negative energy balance must occur. A negative energy balance can be brought about by calorie restriction or by increasing physical activity without a change in food intake. To lose one pound, a person must burn approximately 3,500 calories; to lose 12.54 pounds, a person must burn 43,890 calories. To lose that much weight in thirty days would require a daily calorie deficit of 1,463. However, the average person only consumes about 2,000 calories per day and few people could or should restrict the number of calories they take in to just 537 per day for a month.
15. To lose weight in a healthy manner, a person should reduce their caloric intake by 500 to 1,000 calories a day, resulting in a loss of one to two pounds per week. The consensus opinion of weight loss experts is that the key to long-term weight management lies in permanent lifestyle changes that include, among other things, a nutritious diet at a moderate caloric level and regular physical exercise.
16. Most of the ingredients in the “PureCleanse” formulation have a laxative effect in large enough amounts. However, there is no competent and reliable scientific evidence that demonstrates that any of these laxative or other ingredients, when taken individually or in any combination, is effective in causing rapid, substantial weight loss or faster burning of calories. Any weight loss due to the use of laxatives, which work to facilitate bowel movements, would be due to the loss of water weight from the passage of stool. Such weight loss is not significant nor permanent.

17. Further, to the extent that three of the ingredients, psyllium husk powder, inulin, and guar gum (all insoluble fibers) may temporarily alleviate the sensation of hunger, such hunger-delaying effects will not result in significant weight loss and no competent, reliable scientific evidence exists to show that these ingredients are effective weight loss agents.
18. Three of the ingredients – hydroxycitric acid, gymnema sylvestre extract, and chromium polynicotinate – are unsafe and have been shown to cause persons using them severe toxicity, liver damage, and death. The FDA issued a warning regarding these ingredients in another weight loss product, Hydroxycut, that contained these ingredients and the the FDA recalled the product. See Kushner Attachment H.
19. I reviewed the medical literature regarding weight loss and the ingredients in “AcaiBurn,” “Muscle Charger,” “AcaiForce,” “Wu-Yi Burn,” and “PureCleanse.” From this review, and my general knowledge of scholarship in the field, I know of no scientific studies that have established that any of the ingredients in these products are effective in causing substantial weight loss. Although some studies show weight loss with two of the ingredients in some of these products – green tea extract and chromium picolinate – the weight loss achieved in these studies was minimal and not significant (about 1.5 to 2 kg versus the placebo). Pittler MH, Stevinson C, Ernst E, *Chromium Picolinate for Reducing Body Weight: Meta-Analysis of Randomized Trials*, International Journal of Obesity 27:522-29 (2003); Hursel R, Viechtbauer W, Westerterp-Plantenga MS, *The Effects of Green Tea on Weight Loss and Weight Maintenance: Meta-Analysis*, International Journal of Obesity 33:956-61 (2009).

20. The FTC provided to me four studies examining the efficacy of various ingredients found in "AcaiBurn," "Muscle Charger," "AcaiForce," "Wu-Yi Burn," and "PureCleanse." These products do not contain the same formulations as those studied. Indeed, none of the products contain more than a small amount of the active ingredients tested in the studies. Thus, even if the ingredients were shown to be effective in larger doses, the studies would not substantiate weight loss claims made for products with lesser amounts of the ingredients. It is my opinion that none of these studies provide competent and reliable substantiation for the claims that these products cause substantial weight loss.
21. The study by Mattes and Bormann (**Kushner Attachment D**) sought to assess the effect of *Garcinia cambogia* on appetite and weight loss. *Garcinia cambogia* is the herb that contains hydroxycitric acid (HCA). In the study, 89 mildly overweight women were placed on a 1200 kcal diet for three months. Half were randomized to ingest 1.2 grams of HCA per day while the other half were given placebo. After three months, the active treatment group lost an average of 3.7 kg, compared to an average of 2.4 kg for the placebo group, for a mean difference of 1.3 kg (2.8 lbs) between the groups. The loss of fat mass, measured by bioimpedance analysis, was -4.1 percent in the HCA group, compared to -3.0 percent in the placebo group. There was no difference between groups in hunger ratings. The authors concluded that HCA does not promote improved compliance with a reduced energy diet. Furthermore, the difference in weight loss between groups is clinically insignificant and the study was too short to generate any meaningful information that is useful to patients or to the public.

22. The study by Preuss, *et al.*, (Kushner Attachment E) looks at HCA and chromium over eight weeks. Preuss, *et al.*, conducted a randomized, double-blind, placebo-controlled eight week study among 30 obese subjects who were divided into three groups. Group A received 2.8 g of HCA; Group B received 2.8 g HCA, 400 mcg chromium, and 100 mg Gymnenic acid; and Group C received a placebo. The mean weight loss at the end of the eight weeks was 5.5 kg for Group A, 6.8 kg for Group B, and 1.4 kg for Group C. Although this is a statistically significant difference between the groups, the study nevertheless does not, in my opinion, provide conclusive evidence of the efficacy of these ingredients, but merely suggests that these ingredients warrant further study.
23. The first reason this study is not conclusive substantiation for the efficacy of these ingredients for weight loss is that the study was of too short a duration to produce results from which any meaningful conclusions can be drawn. Indeed, Phase II early clinical studies generally last from 3 to 6 months, and are considered "proof of concept" studies. Phase III studies, which involve clinical intervention, generally last 12 months. Therefore, the duration would only suggest that further study is needed to draw definitive conclusions.
24. The second reason the study does not substantiate the efficacy of the ingredients tested for weight loss is that the study involved too few subjects for drawing definitive conclusions about the efficacy of the ingredients. There were only 10 subjects randomized to each of the three treatment groups. For a proof of concept study, that may be enough, but it is not enough, in my opinion, to show conclusive efficacy. Indeed, it is

difficult to extrapolate weight loss achieved over an eight-week period to longer term weight loss in a small group of subjects.

25. Finally, even though the results in the Preuss study are provocative, they involved amounts of active ingredients of HCA, chromium, and Gymnemic acid greatly in excess of the amounts found in the AcaiBurn and other acai berry products that I reviewed. As I mentioned above, it is my opinion that these products do not contain enough of any of these ingredients to have an effect on weight loss.
26. Both the studies by Berube-Parent, *et al.* (**Kushner Attachment F**), and Dulloo, *et al.*, (**Kushner Attachment G**), which examine the efficacy of green tea and caffeine in increasing body energy expenditure and fat oxidation in a 24-hour period, shows that there is a very short-term increase (24 hours) in energy expenditure and fat oxidation with these ingredients. While these ingredients are worthy of further study, neither ingredient, alone or in combination, has definitively been shown to cause clinically significant weight loss over longer periods of time, nor do the products I reviewed contain enough of these ingredients to have any effect on weight loss.

CONCLUSION

27. In light of the foregoing analysis, it is my opinion that the products "AcaiBurn," "Muscle Charger," "AcaiForce," "Wu-Yi Burn," and "PureCleanse" cannot cause rapid, substantial weight loss and that there is no competent and reliable scientific evidence to establish that any of the ingredients in these products – individually or in combination – will cause rapid, substantial weight loss. Further, it is my opinion that none of these products contain enough of any ingredient studied for weight loss to have any significant

effect on weight loss. Finally, it is my opinion that the studies the FTC provided to me, and which are attached as **Kushner Attachments D - G**, do not establish with reliable and competent scientific evidence that the products are effective in causing rapid, substantial weight loss.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 10, 2011.

Robert F. Kushner
Robert F. Kushner, M.D.

CURRICULUM VITA
ROBERT F. KUSHNER, M.D., M.S.

PERSONAL DATA:

Business Address: Northwestern University FSM
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Rubloff 9-976
Chicago, Illinois 60611

Telephone: (312) 503-6817 (office)
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E-mail: rkushner@northwestern.edu

Home Address: 334 Wilshire Drive East
Wilmette, Illinois 60091

Telephone: (847) 256-0325

Place of Birth: Chicago, Illinois. US Citizen

Marital Status: Married

EDUCATION:

Degrees:
M.D. University of Illinois
Chicago, Illinois, 1975-1979
Vice-President of Senior Class
Member of University Medical Student Council

M.S. Degree in Clinical Nutrition and Nutritional Biology
University of Chicago
Chicago, Illinois, 1982-1984

Internship:
Internal Medicine, Northwestern Memorial Hospital
Chicago, Illinois, 1979-1980

Residency:
Internal Medicine, Northwestern Memorial Hospital
Chicago, Illinois, 1980-1982

Fellowship:
Clinical Nutrition, University of Chicago Hospitals
Chicago, Illinois, 1982-1984

BOARD CERTIFICATION AND LICENSURE:

State of Illinois Licensed Physician	1980
National Board of Medical Examiners	1980
American Board of Internal Medicine	1982
American Board of Nutrition	1984

Kushner Attachment A

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Curriculum Vitae

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FACULTY APPOINTMENTS:

Instructor, Department of Medicine, University of Chicago, 1984-1985

Assistant Professor of Medicine, University of Chicago, 1985-1992

Associate Professor of Clinical Medicine, University of Chicago, 1992-1997

Professor of Medicine, Northwestern University Feinberg School of Medicine, 1998 - Present

HOSPITAL STAFF APPOINTMENTS:

Attending Physician, Michael Reese Hospital and Medical Center, 1984-1988

Attending Physician, University of Chicago Hospitals, 1984-1997

Attending Physician, Northwestern Memorial Hospital, 1998-present

ADMINISTRATIVE APPOINTMENTS:

Director, Nutrition Support Service, Michael Reese Hospital and Medical Center, 1984-1988

Director, Nutrition and Weight Control Clinic, University of Chicago Hospitals, 1984-1997

Medical Director, Right Directions: The Portes Center of The University of Chicago, 1989-1990

Director, Nutrition Support Service, University of Chicago Hospitals, 1991-1997

Medical Director, Wellness Institute, Northwestern Memorial Hospital, 1998 – 2007

Chairman, Nutrition Subcommittee, Northwestern Memorial Hospital, 1999 – Present

Member, The Pharmacy & Therapeutics Committee, Northwestern Memorial Hospital, 1999 – 2007

Member, Physician's Health Committee, Northwestern Memorial Hospital, 2002 – Present

Member, GCRC Scientific Advisory Committee (SAC), Northwestern University, 2002 – 2008

Clinical Director, Northwestern Comprehensive Center on Obesity (NCCO) and the Center for Lifestyle Medicine, 2008—Present

Medical Director, Center for Lifestyle Medicine, 2008—Present

SUMMARY OF TEACHING EXPERIENCE/COMMITTEE APPOINTMENTS (Northwestern University Feinberg School of Medicine):

Preceptor for Clinical Encounters, M2, Fall Quarter, 1998-2003

Introduction to Clinical Nutrition, M3 students, 1998-present

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Medical School Curriculum Committee, 2000-2002
Lecturer in M3 Medicine Clerkship Lecture Series, 1999—2007
Preceptor for Preventive Medicine, M1, Spring Quarter, 1999-2004, 2006
Course Director, Senior Elective – Outpatient rotation in Wellness Program, 1998-2007
Unit Director, Complementary and Alternative Medicine (CAM) series in Interdisciplinary Medicine (IDM), M3, 2004-2008
Preceptor for Communication Skills, M1, Fall Quarter, 2004—present
Lecturer in Scientific Basis of Medicine (SBM), M2, 2005—present
Lecturer in Structure Function (SF), M1, 2008 - present
Unit Director, Healthy Living (PPS II), 2007- present
Course Director, Patient, Physician & Society (PPS I and II), 2007 – present
Preceptor for Cultural Dynamics in Medicine (CDM), Spring Quarter, 2010

PROFESSIONAL AND SCIENTIFIC ACTIVITIES:

Memberships:

Alpha Omega Alpha (AOA) Medical Honor Society
American College of Physicians, Fellow (FACP)
The American Society for Nutrition (ASN)
American Society for Parenteral and Enteral Nutrition (ASPEN)
North American Association for the Study of Obesity (NAASO), The Obesity Society
The Institute of Medicine of Chicago, Fellow
Feinberg Academy of Medical Educators (FAME), Northwestern University, 2010 - present

Leadership Positions:

American Society for Parenteral and Enteral Nutrition (A.S.P.E.N.)

Course Co-Director, "New Directions in Nutritional Care" Chicago, 1991
Standards Committee, 1992-1995; Chairman, 1993-1995
Board of Directors, Physician-at-Large, 1993-1995
Co-Chairman, 20th Clinical Congress meeting, 1996
Chairman, 21st Clinical Congress meeting, 1997
Treasurer and Executive Committee, Board of Directors, 1997-1998
Vice President and Executive Committee, Board of Directors, 1998-1999
President Elect and Executive Committee, Board of Directors, 1998-2000
President and Executive Committee, Board of Directors, 2000-2001
Immediate Past President and Executive Committee, Board of Directors, 2001-2002

American Board of Nutrition (ABN)

Oral Examiner, 1985-1992
Member, Board of Directors, 1992-1998

American Board of Physician Nutrition Specialists (ABPNS)

Board member, 2001-present
Vice- President, 2003-2004
President, 2004-2005

American Society for Clinical Nutrition (ASCN) – The American Society for Nutrition (ASN)

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Committee on Nutrition Education in Medical/Dental Schools and Residency Programs, 1987-1990
Chairman, Clinical Indicators Task Force of the National Coordinating Committee for Nutrition Standards, 1989-1990
Committee on Clinical Practice Issues in Health and Disease, 1989-1994; Chairman, 1991-1993
Preceptor for ASCN/AMSA Nutrition Internship program: 1996, 1998, 2001-2003, 2006
Clinical Nutrition Internship Program (CNIP) Subcommittee, 2001-2004
Membership Committee, 2003-2005
Public Affairs Committee, 2004-2005
Member, Medical Nutrition Council, 2009 - present

North American Association for the Study of Obesity (NAASO). The Obesity Society (TOS)

Nominations Committee, 2002-2003, 2005-2006
Internet CME Course Task Force, 2002
Clinical Committee, 2003-2006 (Chairman, 2004-2006)
President Elect, 2007-2008
President, 2008-2009

American Heart Association of Metropolitan Chicago

Chairman, Consumer/Food Manufacturer Education Planning Group, 1987-1990
Member, Program Council, 1988-1992
Chairman, Heart-at-Work Targeted Action Group, 1991-1992

National Institutes of Health (NIH)

Study Review Committee, Small Business Innovation Research (SBIR) and Small Business Technology Research (STTR) Applications, NIH, July, 2002
Longitudinal Assessment of Bariatric Surgery (LABS-1) Protocol Review Committee, NIH, 2004
Longitudinal Assessment of Bariatric Surgery (LABS-2) Protocol Review Committee, NIH, 2005
Chair, Working Group on Clinical Education Needs for Obesity Identification, Prevention and Treatment, NHLBI, May 3-4, 2005.
Longitudinal Assessment of Bariatric Surgery (LABS) Data and Safety Monitoring Board, NIH, 2005 - present
The Look Ahead Clinical Trials Special Emphasis Panel, NHLBI, March 27, 2006
NHLBI Strategic Planning Group #9: Translation, Implication, and Community Research, Bethesda, MD, July 19-20, 2006.
Protocol Review Committee (PRC) for the Practice Based Opportunities for Weight Reduction (POWER) Trials, NHLBI, July, 2007
Practice Based Opportunities for Weight Reduction (POWER) Trials, Data and Safety Monitoring Board, NHLBI, 12/08 - present
Second Expert Panel on the Identification, Evaluation, and Treatment of Overweight and Obesity in Adults, and Expert Panel on Integrated CVD Risk Reduction in Adults, NHLBI, 2008 - present

Miscellaneous

Chairman, Nutrition Education in Chicago Area Medical Schools (NECAMS), 1989-1995

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Weight Risk Investigators Study Council, 1996-1999
Editorial Board. Dialogues in Obesity. University of Minnesota Office of Continuing Medical Education, 1997- 1999
Editorial Board. Nutrition in Clinical Care, 1999 – 2002
Weight Management Certificate Program Committee, CDR (Commission on Dietetic Registration), 1999 – present
Council on Obesity Diabetes Education (CODE), 2001-2004
Mayor's Council on Fitness, City of Chicago, 2002-present
Abstract reviewer for the American Diabetes Association 63rd scientific sessions meeting, 2003
Co-Editor for Current Opinion in Endocrinology & Diabetes; Obesity and Nutrition editions, Lippincott Williams & Wilkins, Publ., 2003-present
Editorial Board, Obesity Management, 2004-2010
Editorial advisor board, Today's Diet & Nutrition magazine, 2005-2008
Editorial Board, Journal American Dietetic Association (JADA), 2007- present
Editorial Board, Obesity, 2007-present

Awards:

Distinguished Achievement Award, Chicago Chapter of the American Society for Parenteral and Enteral Nutrition (C.A.S.P.E.N.), December, 1998

American Society for Clinical Nutrition (ASCN) Dannon Institute Award for Excellence in Medical/Dental Nutrition Education, 2002.

Selected in *Best Doctors*, 2001-2010

George T. Joost Outstanding Teacher in Patient Physician and Society II, Northwestern University Feinberg School of Medicine, 2009

American Dietetic Association (ADA) National Honors and Award recipient as honorary member, 2010

Reviewer:

Journal of Parenteral and Enteral Nutrition
American Journal of Clinical Nutrition
Journal of the American Medical Association
International Journal of Obesity
Obesity
Journal of the American Dietetic Association

RESEARCH GRANTS:

Prevention of weight gain in adult type 2 diabetic patients treated with pioglitazone (Actos): a prospective, randomized, controlled 6-month trial. Investigator Initiated Trial, Takeda Pharmaceutical, Inc. \$308,124. (2003-2006)

PUBLICATIONS:

Original Scientific Articles

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1. Kushner RF, Schoeller DA. Estimation of total body water by bioelectrical impedance analysis. Am J Clin Nutr 44:417-424, 1986.
2. Schoeller DA, Kushner RF, Jones PTH. Validation of doubly labeled water for measuring energy expenditure during parenteral nutrition. Am J Clin Nutr 44:291-298, 1986.
3. Kushner RF, Shapir J, Sitrin MD. Endoscopic, radiographic and clinical response to prolonged bowel rest and home parenteral nutrition (HPN) in Crohn's disease. J Parent and Enteral Nutr 10:568-573, 1986.
4. Kushner RF, Haas A. Estimation of lean body mass by bioelectrical impedance analysis compared to skinfold anthropometry. European J Clin Nutr 42:101-106, 1988.
5. Weinsier RL, Boker JR, Brooks CM, Kushner RF, Visek WJ, Mark DA, Lopez SA, Anderson MS, Block K. Priorities for nutrition content in a medical school curriculum: A national consensus of medical educators. Am J Clin Nutr 50:707-712, 1989, and Acad Med 65:538-540, 1990.
6. Kushner RF, Kunigk A, Alspaugh M, Andronis PT, Leitch CA, Schoeller DA. Validation of bioelectrical impedance analysis as a measurement of change in body composition in obesity. Am J Clin Nutr 52:219-223, 1990.
7. Kushner RF, Berman S. Are high-protein diets effective in McArdle's Disease? Arch Neurol 47:383-384, 1990.
8. Kushner RF, Schoeller DA. Resting and total energy expenditure in patients with inflammatory bowel disease. Am J Clin Nutr 53:161-165, 1991.
9. Casper RC, Schoeller DA, Kushner RF, Hnilicka J, Trainer Gold S. Total daily energy expenditure and activity level in anorexia nervosa. Am J Clin Nutr 53:1143-1150, 1991.
10. Weinsier RL, Baker JR, Brooks CM, Kushner RF, et al. Nutrition training in graduate medical (residency) education: A study of exemplary training programs. Am J Clin Nutr 54:957-962, 1991.
11. Danford LC, Schoeller DA, Kushner RF. Comparison of two bioelectrical impedance analysis models for total body water measurement in children. Ann Hum Biol 19:603-607, 1992.
12. Kushner RF, Schoeller DA, Fjeld C, Danford L. Is the impedance index H^2/R significant in predicting total body water? Am J Clin Nutr 56:835-839, 1992.
13. Rallison L, Kushner RF, Penn D, Schoeller DA. Errors in estimating peritoneal fluid by BIA and TOBEC. J Am Coll Nutr 12:66-72, 1993.
14. Gudivaka R, Schoeller D, Ho T, Spiegel D, Kushner R. Effect of body position, electrode placement and time on prediction of total body water by multifrequency bioelectrical impedance analysis. Age and Nutrition, 5: 111-117, 1994.

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15. Racette SB, Schoeller DA, Luke AH, Shay K, Hnilicka J, Kushner RF. Relative dilution spaces of ²H and ¹⁸O-labeled water in human. Am J Physiology 267:E585-E590, 1994.
16. Ho LT, Kushner RF, Schoeller DA, Gudivaka R, Spiegel DM. Bioimpedance analysis of total body water in hemodialysis patients. Kidney Internat 46:1438-1442, 1994.
17. Kushner RF, Ayello E, Beyer P, Skipper A, Van Way C, Young EA, Balogun L. National Coordinating Committee Clinical Indicators of Nutritional Care. J Am Dietetic Assoc 94:1168-1177, 1994.
18. Kushner RF, Racette S, Neil K, Schoeller D. Measurement of physical activity among black and white obese women. Obesity Res 3(Suppl 2):261S-265S, 1995.
19. Manthous CA, Hall JB, Olson D, Singh M, Chatila W, Pohlman A, Kushner R, Schmidt GA, Wood LDH. Effect of cooling on oxygen consumption in febrile critically ill patients. Am J Respir Crit Care Med 151:10-14, 1995.
20. Racette SB, Schoeller DA, Kushner RF, Neil KM, Herling-Jaffaldano K. Effects of aerobic exercise and dietary carbohydrate on energy expenditure and body composition during weight reduction in obese women. Am J Clin Nutr 61:486-94, 1995.
21. Racette SB, Schoeller DA, Kushner RF. Comparison of heart rate and physical activity recall with doubly labeled water in obese women. Med Sci Sports Exerc 27:126-133, 1995.
22. Manthous CA, Hall JB, Kushner RF, Schmidt GA, Wood LDH. The effect of mechanical ventilation on oxygen consumption in critically ill patients. Am J Resp Crit Care Med 151:210-214, 1995.
23. Kushner RF. Barriers to providing nutrition counseling by physicians: A survey of primary care practitioners. Prev Med 24:546-552, 1995.
24. Committee on Clinical Practice Issues in Health and Disease, American Society of Nutrition. The role of and identity of physician nutrition specialists in medical school-affiliated hospitals. Am J Clin Nutr 61:264-68, 1995.
25. Gudivaka R, Schoeller D, Kushner RF. Effect of skin temperature on multifrequency bioelectrical impedance analysis. J Appl Physiol 81:838-845, 1996.
26. Hark L, Iwamoto C, Young EA, Morgan SL, Kushner R, Hensrud D. Nutrition coverage on medical licensing examinations in the U.S. Am J Clin Nutr 65:568-571, 1997.
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22. Rodriguez SM, Hoffman M, Zeiss D, Wachsberg K, Linsenmeier R, Kushner R, Landsberg L. 24 hour core temperature in obese and lean men and women. *Obesity* 18 (Suppl 2):S102, 2010

INVITED LECTURES, SYMPOSIA, VISITING PROFESSORSHIPS (1995 - Present):

INTERNATIONAL

“Integrated Weight Management Approach” Invited speaker. Deidesheim Gesprache workshop on Obesity Management. Deidesheim, Germany, April 18, 1998

“Future Directions in Anti-obesity Drug Treatment” and “How Much Physical Activity for Weight Control” Invited speaker. 1998 Conference of the Dietitians Association of Australia, Sydney, Australia, April 26-28, 1998

Moderator and Speaker at “1st International Obesity Patient Case Workshop” (BASF Pharma), Horsham, UK, December 11-13, 1998

“Medical and Pharmacological Treatment of Obesity” Invited speaker, European Society of Parenteral and Enteral Nutrition (22nd ESPEN Congress), Madrid, Spain. September 9-13, 2000.

Speaker and discussion group leader at “8th International Obesity Patient Case Workshop” (BASF Pharma), Budapest, Hungary, November 24-26, 2000.

“Obesity in Women” and “Leptin-Present and Future” Invited speaker at the 30th National Conference of the Endocrine Society of India, Chennai, India, December 17-19, 2000.

“Obesity in the Elderly”. Invited speaker at the 41st Annual Meeting of the Mexican Society of Nutrition and Endocrinology, Puerto Vallarta, Mexico, November 28, 2001.

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"Current Research and Future Directions in Obesity" Invited speaker. Certificate of Training in Adult Weight Management. The American Dietetic Association and Commission on Dietetic Registration, June 23-25, 2002, San Juan, Puerto Rico

"Obesity in America—A Case Study" Invited speaker. Korean Society for the Study of Obesity. Seoul, South Korea. September 10, 2002.

"Medical Management of Obesity" Invited speaker. Western Canada Nutrition Day, University of Alberta, Edmonton, Canada. November 2, 2002.

"How to Reach a Tipping Point in Nutrigenomics for the Healthcare Provider?" Invited speaker. The Second International Nutrigenomics Conference. Amsterdam, The Netherlands. November 6-7, 2003.

"Current Research and Future Directions in Obesity" Invited speaker. Certificate of Training in Adult Weight Management. The American Dietetic Association and Commission on Dietetic Registration, July 1-3, 2005, Cambridge, England

"Nutrigenomics and the healthcare provider: What will it take to gain acceptance" Invited speaker. International Functional Food Symposium: Nutrigenomics 2006. The Hong Kong Polytechnic University, Hong Kong, China, October 12-13, 2006.

"Role of complementary and alternative medicine (CAM) in obesity management" Peking University Health Sciences Center, Beijing, China, October 17, 2006

"A view of obesity from the USA: the future of the UK?" Invited speaker. The Royal Society of Medicine, London, England. June 17, 2008.

"Feeding the obese patient" Invited speaker. 4th International Erasmus Master Class: Obese Patients, Erasmus Medical Center, Rotterdam, The Netherlands. March 26-26, 2010

"Total Nutrition Therapy (TNT) -- Diabetes" Invited speaker, Abbott Nutrition International. Beijing, China. April 10, 2010.

NATIONAL

"Parenteral Nutrition in the Hospitalized Patient." Invited speaker, Physician Course Primer, CME Course, ASPEN, Miami Beach, FL, January, 1995.

"Convenient Methods and Appropriate Reference Standards for Assessment of Body Composition and Fat Distribution in the Practice Setting." Invited speaker, NAASO Continuing Medical Education Symposium, New Orleans, LA, October, 1995.

"Joint Commission: Process vs Outcomes" Invited speaker, Conference on the Current Role of Nutrition Support, NIH, Bethesda, MD, October 26, 1995.

"Accreditation View of Nutrition." Invited speaker, Malnutrition in the Hospitalized Patient, Harvard Medical School CME Course, Boston, MA, May 1, 1996.

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"Obesity Treatment in the 1990's" and "Practical Tips in Nutrition Counseling." Invited speaker, Practical Strategies in Primary Care CME Course for the Nutritional Center for Advanced Medical Education, Chicago, IL, June 18, 1996.

"The Multidisciplinary Approach to Obesity Treatment." CME Satellite Symposium, Denver, CO, October 11, 1996.

"Obesity Pharmacologic Interventions" Invited speaker, Workshop to Determine the Feasibility of a RCT of Long-term Intentional Weight Loss in Obesity. NIH, Bethesda, MD, April 17, 1997.

"New Perspectives in the Treatment of Obesity". Program Chairman, Symposium at American Association of Clinical Endocrinologists (AACE) Annual Meeting. Philadelphia, April, 1997.

Invited Panelist to FTC Conference, "Commercial Weight Loss: Products and Programs. What Consumers Stand to Gain and Lose" Federal Trade Commission, Washington DC, October 16-17, 1997.

"The Burden of Obesity and a Multidisciplinary Approach to Obesity Management". Invited speaker. The National Managed Health Care Congress (NMHCC) Director's Summit, Los Angeles, CA, November 3, 1997.

"An Update on the Management of Obesity" Invited speaker, Endocrinology Review Course, Wayne State University, Dearborn, MI, November 11, 1998

"Update on Obesity" Invited speaker, ACP-ASIM Illinois Scientific meeting, October, 1999

"What Endocrinologists need to know about obesity" Invited speaker, Clinical Endocrinology Update '99 Review course (The Endocrine Society), Los Angeles, CA, October 19, 1999

Kushner R, Roxe D. Bi-pedal bioelectrical impedance analysis (BiPBIA) reproducibly estimates total body water (V) in hemodialysis patients. Poster presentation, National Kidney Foundation spring meeting, Atlanta, GA. April 13-16, 2000.

"Weight management in obese patients with type 2 diabetes." Invited speaker, American Association of Clinical Endocrinologists (AACE) Ninth Annual Meeting and Clinical Congress, Atlanta, GA, May 3-7, 2000

Visiting Professor at Southern Illinois University (SIU) School of Medicine, Springfield, IL, November 14, 2000

"Obesity: An overview of an epidemic" Invited speaker and Chair, Special Session, 'It's time to treat obesity', American Heart Association Scientific Sessions, New Orleans, LA, November 12-15, 2000

Eric Reiss Memorial Lecture, "Obesity: Thoughts for the Millennium" Invited speaker. University of Miami Internal Medicine Update, Miami, FL, February 4-9, 2001.

"The Epidemic of Obesity: From Children to Adults" Invited speaker at the 2nd Annual Conference on Obesity, University of South Florida, Clearwater Beach, FL, May 19-20, 2001.

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"Practical Applications to Clinical Practice" Invited speaker. Think Tank on Enhancing NHLBI Obesity Research. NIH, Bethesda, MD. March 24-25, 2003.

"Obesity: Practical Behavior Therapy-One Clinic's Experience" and "Nutrition's Role in the Future" Invited speaker. Mayo Clinic Nutrition in Health & Disease Conference, Chicago, IL. September 26-26, 2003.

"Assessment and Management of Adult Overweight and Obesity-A Physician Primer" Invited speaker. American Medical Association (AMA)'s House of Delegates meeting. Honolulu, Hawaii, December 7, 2003.

"How Should We Train Physicians to Provide Obesity Care?" Invited speaker. Association of Teachers of Preventive Medicine conference. New Orleans, LA, March 25-26, 2004.

"Lifestyle Patterns Approach to Weight Management" Invited speaker. First annual Integrative Medicine Conference & Natural-Healthcare Expo. Miami, FL, April 1-4, 2004.

"Diets, Drugs, Exercise and Behavioral Modification: Where These Work and Where They Don't" Invited speaker. The ASBS Consensus Conference on the State of Bariatric Surgery and Morbid Obesity: Health Implications for Patients, Health Professionals and Third-Party Payors. Georgetown University, Washington, DC., May 6-7, 2004

"Obesity and Metabolic Complications" Invited speaker. Metabolic Syndrome: An Obesity-related National Epidemic. Emory University School of Medicine. Atlanta, GA. May 21-22, 2004.

"Treatment Needs of Extreme Obesity: Medical and Surgical Approaches" Invited speaker. American Dietetic Association (ADA) Food & Nutrition Conference & Expo. Anaheim, CA. October 2-5, 2004

"Medical Practice Interventions: Physician Practice" Invited speaker. American Medical Association (AMA) Summit on Obesity. Chicago, IL. October 19-20, 2004.

"Be Merry if you watch what you eat: Weighing through the various diets" Invited speaker. American College of Gastroenterology 69th Annual Scientific meeting. Orlando, FL, Oct 29-Nov 3, 2004.

"Obesity 101: Classification, evaluation and pharmacologic approaches" Invited speaker. The Obesity Epidemic Conference, University of Southern California (USC), Universal City, CA, Nov 13, 2004

"From obesity guidelines to tools" Invited speaker, North American Association for the Study of Obesity (NAASO) 2004 Annual Scientific Meeting, Las Vegas, NV, Nov 14-18, 2004.

"Obesity: cutting edge technologies and treatments" and "Bariatric surgery: controversial clinical issues" Invited speaker, American Society for Parenteral and Enteral Nutrition (ASPEN) 2005 annual meeting, Orlando, FL, Jan 29-Feb 2, 2005.

"Diet facts and fiction: How to counsel your patient" Invited speaker, Meet the Professor session, American College of Physicians (ACP) Annual Session, San Francisco, CA, April 14-16, 2005.

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"Medical and surgical management of obesity" Invited speaker, American Gastroenterology Association (AGA) Digestive Disease Week (DDW), Chicago, IL, May 11, 2005

"Long term metabolic and nutritional considerations after bariatric surgery" Invited speaker. Medical College of Wisconsin Department of Surgery Grand Rounds, Milwaukee, WI., May 18, 2005,

"Global health & economic implications of obesity: How we are dealing with it and what we can do in the future" Key note speaker. 20th Annual Southern Regional Conference on Diabetes, Obesity and Cardiovascular Disease. American Diabetes Association. Orlando, FL., May 26-28, 2005

"Tools and skills for effective interventions" and "Elements of effective counseling", Invited speaker, 19th annual practical approaches to the treatment of obesity. Harvard Medical School, Boston, MA., June 23-25, 2005

"Lifestyle strategies for behavior change" Invited speaker for general session, American Association of Diabetes Educators (AADE) 32nd annual meeting, Washington DC, August 10-13, 2005

"Post bariatric surgery nutritional concerns" Invited speaker. NAASO annual scientific meeting, Vancouver, CA, October 15-19, 2005

"Pharmacology: New medical aspects of obesity" Invited speaker. The Cleveland Clinic, Cleveland, OH, December 2, 2005

"Lifestyle patterns approach to behavior change/weight management" Invited speaker. Diabetes Care. University of Florida, Gainesville, FL, January 20, 2006.

"Generation O(verweight): What can you do to help your patient?" Invited speaker. Medical Grand Rounds, Albert Einstein Medical Center, Philadelphia, PA, March 1, 2006.

"Using a lifestyle patterns approach for obesity and diabetes care". Invited speaker. Garden State Association of Diabetes Educators Annual 'Improving Diabetes Care' meeting. Howell, NJ, April 7, 2006.

"The PPET Study: People and Pets Exercising Together". Presented at the International Congress on Physical Activity and Public Health, CDC, Atlanta, GA, April 17-20, 2006.

"Clinical assessment of the overweight/obese woman: practical approaches" Invited speaker. The 14th Annual Congress on Women's Health. Hilton Head, SC, June 3-6, 2006.

"Using a lifestyle patterns approach to obesity care" and keynote lecture "Why we're so fat". Invited speaker. 20th annual practical approaches to the treatment of obesity. Harvard Medical School, Boston, MA., June 22-24, 2006.

"Diet: How should we be counseling our patients?" Invited speaker. American Diabetes Association 16th annual conference on Diabetes Mellitus. Miami, FL., March 16, 2007.

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"Nutrition and Diets: The Role in Health Promotion and Disease Prevention" and "Translating Evidence into Practice and Overcoming Clinical Inertia: Motivating Ourselves and Our Patients". Invited speaker, Internal Medicine 2007, American College of Physicians. San Diego, CA., April 19-21, 2007.

"A national pandemic: Obesity through the ages" Invited speaker, Digestive Disease Week, Washington, DC, May 22, 2007.

"Using a lifestyle patterns approach to obesity care" and "Why we're so fat-an update" Invited speaker, 21st annual international conference on practical approaches to the treatment of obesity. Harvard medical school, Cambridge, MA, June 21-23, 2007.

"Pharmacological approached to obesity". Invited speaker, American Association of Diabetes Educators (AADE) 34th annual meeting, St. Louis, MO, August 3, 2007.

"The Individualistic Approach to Obesity Care", Keynote Lecture, Invited speaker, The Obesity Society Annual Scientific Meeting, New Orleans, LA, October 21, 2007.

"Adult Chronic Care Model". Invited speaker, American Heart Association Childhood Research Summit, 2007. Arlington, VA., December 6-8, 2007.

"Women, weight & diabetes: The role of diet & nutrition in health promotion & disease prevention". Invited speaker, Women's Health 2008. The 16th annual congress. Williamsburg, VA, March 28-30, 2008.

"Treating obesity one patient at a time", "Using a lifestyle pattern recognition for obesity counseling", and "Obesity in 2008: Whose fault is it?" Invited speaker, 22nd annual international conference on practical approaches to the treatment of obesity. Harvard Medical School, Cambridge, MA., June 19-21, 2008.

"Options for weight loss intervention" and "Getting your patients to move" Invited speaker, 8th Annual Nutrition in Health & Disease. Mayo Clinic, Chicago, IL, October 11-12, 2008.

"Office Approach to obesity: The optimal environment" Invited speaker, 2008 Cardiometabolic Health Congress, Boston, MA, October 15-17, 2008.

"Counseling overweight adults-new directions in personalized care" Program speaker at the American Dietetic Association Food & Nutrition conference and Expo. Chicago, IL., October 26, 2008

"Obesity: What Works, How, Why, and When?" Invited speaker, American College of Physicians (ACP) annual meeting, Philadelphia, PA, April 24, 2009.

"Treating overweight and obese patients: Engaging and motivating patients in 15 minutes or less" Invited speaker, Digestive Disease Week, Chicago, IL, June 3, 2009.

"A Physician's perspective: Defining obesity medicine as an independent specialty" Invited speaker, The World Health Congress 4th Annual Obesity Congress, Washington DC, September 30, 2009.

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"Advances in the clinical management of obesity: Implications for prevention" Invited speaker.
Preventive Cardiovascular Nurses Association 16th annual symposium. Schaumburg, IL, April 15, 2010.

"Update on Obesity" Invited speaker. Illinois Dietetic Association 2010 Assembly, Oak Brook, IL, April 16-17, 2010.

"Pharmacotherapy management of obesity" Invited speaker. 11th International conference on long-term complications of treatment of children and adolescents for cancer. Williamsburg, VA, June 11-12, 2010

"Obesity Medicine" and "Treating obesity one patient at a time", Invited speaker, 24th annual international conference on practical approaches to the treatment of obesity. Harvard Medical School, Cambridge, MA., June 17-19, 2010.

"Obesity as a CNS Disorder: Targeting the Neuronal Circuitry of Weight Loss". Online CME video.
Medscape.com, July, 2010

"Weight Regain – I need a Redo on My Gastric Bypass". Invited speaker. 28th annual scientific meeting
The Obesity Society. San Diego, CA., October 8-12, 2010.

"Obesity management: What is the optimal prescription for diet and exercise?" Invited speaker.
Cardiometabolic Health Congress, Boston, MA, October 20-23, 2010.

"Physicians Role in Obesity Management" Invited speaker. Cleveland Clinic Obesity Summit 2010.
Cleveland, OH, November 3-4, 2010

KUSHNER ATTACHMENT B

List of Ingredients

1. Wu-Yi Burn (Earth's Creation USA, Inc., formula):

Each capsule contains:

- a) Chromium Polynicotinate (200 mcg)
- b) Proprietary blend consisting of the following ingredients (500 mg):
 - HCA Hydroxycitrate (210 mg)
 - Green Tea Extract (200 mg)
 - Gymnema Sylvestre Extract (65 mg)
 - Acai Berry (25 mg)

Recommended dosage is one capsule twice a day with eight ounces of water

2. AcaiBurn (Earth's Creation formula)

Each capsule contains:

- a) Chromium Polynicotinate (200 mcg)
- b) Proprietary blend consisting of the following ingredients (500 mg):
 - HCA Hydroxycitrate (210 mg)
 - Green Tea Extract (200 mg)
 - Gymnema Sylvestre Extract (65 mg)
 - Acai Berry (25 mg)

Recommended dosage is one capsule twice a day with eight ounces of water

3. AcaiBurn, Muscle Charger, AcaiForce, Wu-Yi Burn (Ion Labs formula):

Each capsule contains:

- a) Chromium Polynicotinate (1 mg)
- b) Proprietary blend consisting of the following ingredients (500 mg):
 - HCA Hydroxycitrate (398 mg)
 - Green Tea Extract (1 mg)
 - Gymnema Sylvestre Extract (1 mg)
 - Acai Berry (P:E 4:1 25 mg)

Kushner Attachment B

Recommended dosage is one capsule twice a day with eight ounces of water

4. PureCleanse (NutriCap Labs formula)

Formulation #1:

Each capsule contains a proprietary blend consisting of the following ingredients (500 mg):

- Psyllium Powder
- Slippery Elm Bark Powder
- Senna Powder
- Artichoke Powder
- Aloe Vera Powder
- Ginger Root Powder
- Fennel Seed Powder
- Cascara Sagrada Powder
- Inulin
- Guar Gum

Recommended dosage is one capsule twice a day with eight ounces of water

Formulation #2:

Each capsule contains:

- a) Chromium Polynicotinate (1 mg)
- b) A proprietary blend consisting of the following ingredients (499 mg):

- Hydroxycitric Acid
- Green Tea Extract
- Gymnema Sylvestre Extract
- Psyllium Husk Powder
- Slippery Elm Bark Powder
- Senna Powder
- Artichoke Powder
- Aloe Vera Powder
- Ginger Root Powder
- Fennel Seed Powder
- Cascara Sagrada Powder
- Inulin
- Guar Gum

Recommended dosage is one capsule twice a day with eight ounces of water

Wu-Yi Burn

SPECIFICATIONS FOR INTERROGATORY RESPONSES

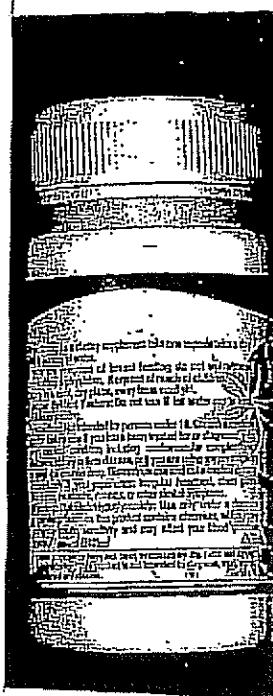
1. Provide a description of the nature and purpose of the Product:
Product name Wu-Yi Burn dietary supplement.
2. Identify by name and quantity each ingredient contained in one serving or dose of the Product and state recommended dosage of the Product:
Each capsule contains 500 mg of the following: HCA Hydroxycitrate 210 mg, Green Tea Extract 200, Gymema Sylvestre extract 65 mg, Acai Berry 25 mg, Chromium Picolinate 200 mcg.
Recommended dosage 1 capsule twice a day with 8 ounces of water.
3. Provide the name, business address, and telephone number of each person who had a role in developing the formula for the product. Product developed by Wilms. 11 Athabascan avenue suite 240 Sheerwood Park, AB.
4. Provide the name, business address, and telephone number of the manufacture of the Product. Company name is Earth's Creation USA 13001-C NW 38 th Avenue Opa Locka, Florida 33054.
5. Describe any representation(s) made by you to Wilms concerning the the efficacy of the Product(s) or the purposes for which the Product(s) could be marketed by Wilms.
Wilms asked us to make a formula with Acai and HCA Hydroxycitrate. Our company did not make any statements about the efficacy of the Product.
6. Describe any representations made to you by Wilms concerning the claims Wilms intended to make or did make for the Product(s). Wilms did not discuss this issue with us.
7. State whether Wilms asked you for any Product claim substantiation. If yes, state whether you provided the request information and the date(s). Wilms asked if we had any information that he could use to make claims. It was at that time we told Wilms we do not have such claims and we could only sell him the product as a dietary supplement.
8. State whether you received any consumer complaints about Products sold to Wilms. If yes, state whether you shared those complaints with Wilms and date(s). Never received any complaints due to the fact we did not have any involvement past manufacturing.
9. State whether Wilms requested information referring or relating any laboratory test and analyses of the Product (s) and its ingredients. If yes, state whether you provided the requested information and the date(s). Wilms never made the request.

SPECIFICATIONS FOR DOCUMENTS AND THINGS

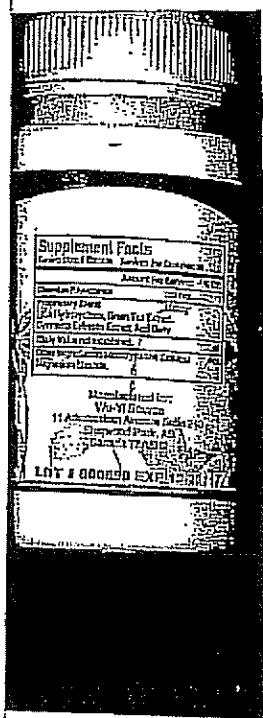
1. Two packages of each Product in its original packaging with package inserts. We will supply 1 bottles of Wu-Yi Burn.
2. All documents, including, but not limited to, test, reports, studies, scientific literature, and written opinions that substantiate any claim concerning weight loss, or any other health benefits, attributable to each Product. No documents provided for point 2. No documents were ever given to Wilms.



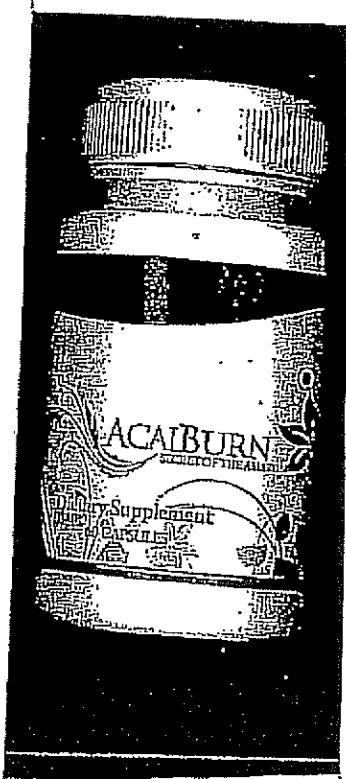
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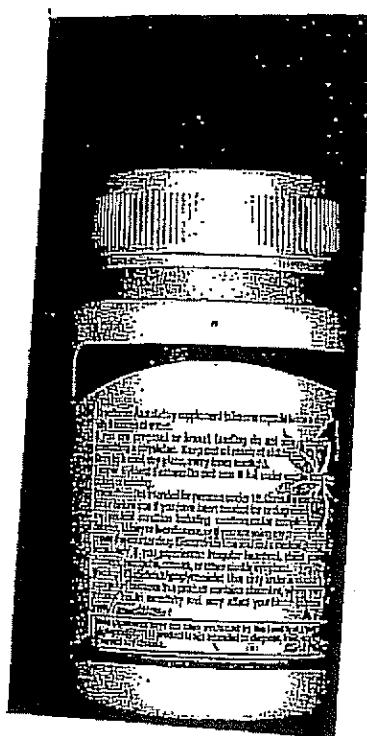
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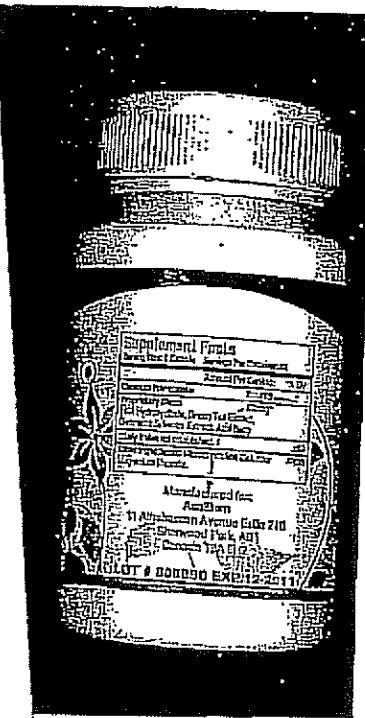
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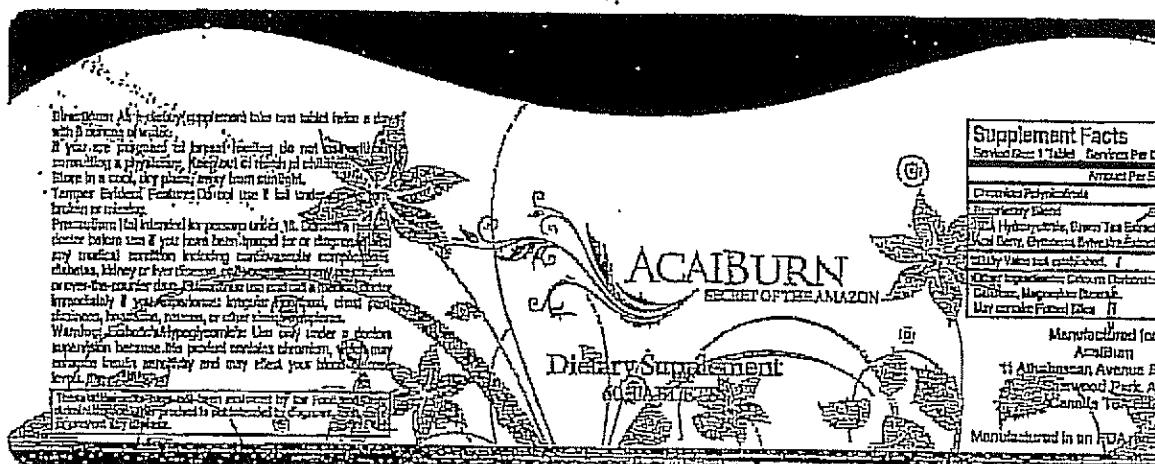
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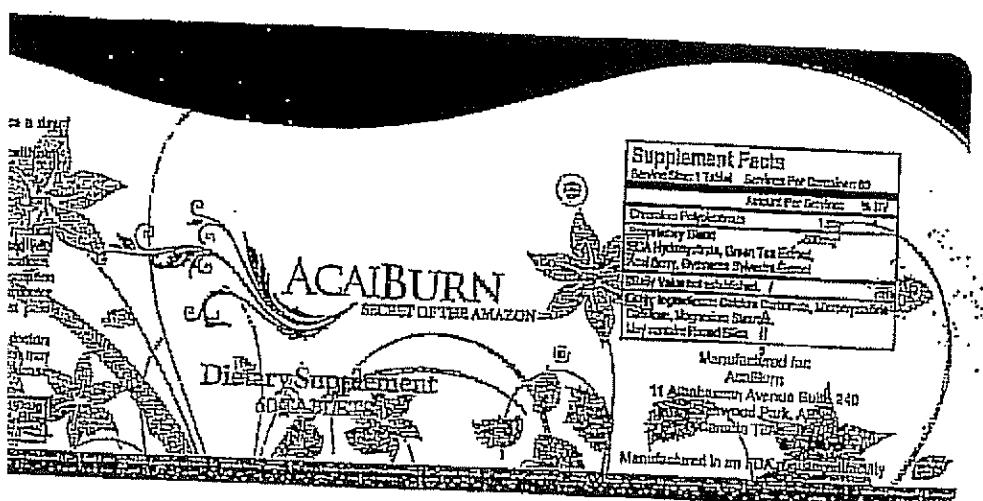
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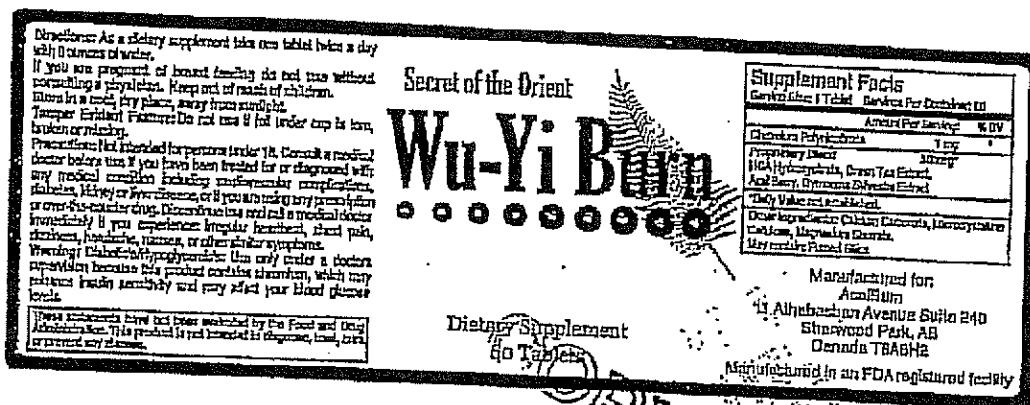
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Kushner Attachment C

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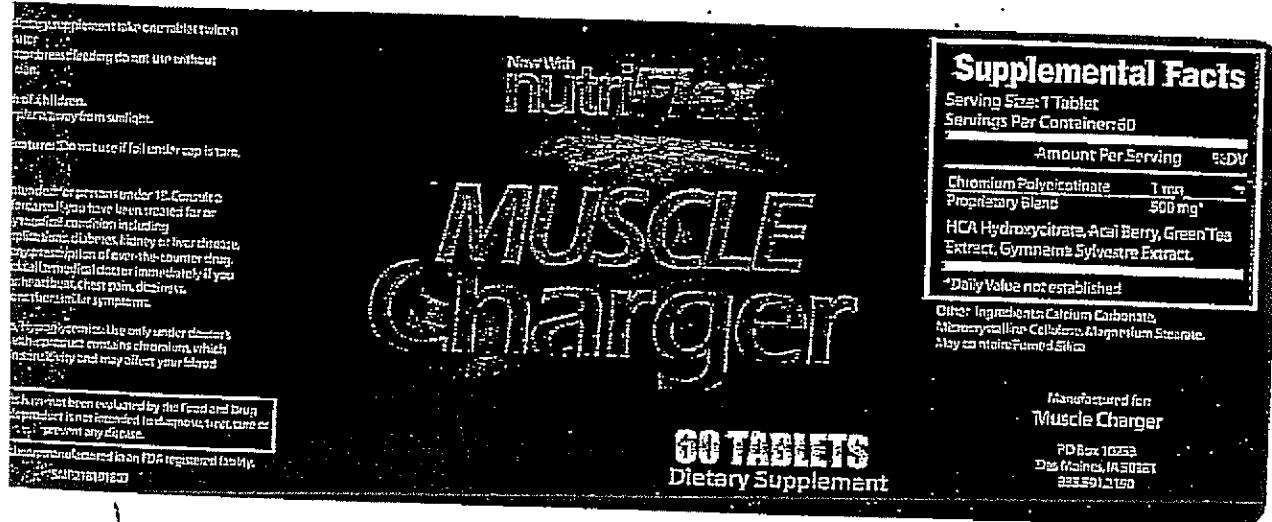
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